

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA**

In re:) Chapter 11
)
MH EQUITY MANAGING MEMBER,) Case No. 13-06283-JKC-11
LLC,)
) Hon. James K. Coachys
Debtor.)

**MOTION OF MERCHANT CAPITAL, LLC AND MENARD, INC. TO
DISMISS THE DEBTOR'S CHAPTER 11 CASE PURSUANT TO 11 U.S.C. §1112(b)**

Merchant Capital, LLC and Menard, Inc. (collectively, the "Merchant Creditors"), respectfully move (the this Court, pursuant to 11 U.S.C. § 1112(b), for entry of an order dismissing the chapter 11 bankruptcy case of MH Equity Managing Member, LLC. For the reasons explained the Merchant Creditors' accompanying Memorandum of Law, which the Merchant Creditors incorporate and rely on, this chapter 11 case is a bad faith filing should be dismissed.

WHEREFORE, Merchant Capital, LLC and Menard, Inc. respectfully request that the Court grant this motion and dismiss the chapter 11 case of MH Equity Managing Member, LLC; and grant any further relief that the Court deems just and proper.

Dated: August 21, 2013

Respectfully Submitted,

/s/ Michael D. Freeborn
Michael D. Freeborn
FREEBORN & PETERS LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677
Telephone: 312.360.6000
Facsimile: 312.360.6995
E-mail: mfreeborn@freeborn.com

*Counsel for Merchant Capital, LLC and
Menard, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2013, a copy of the foregoing *Motion of Merchant Capital, LLC and Menard, Inc. to Dismiss the Debtor's Chapter 11 Case Pursuant to 11 U.S.C. §1112(b)* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Jeremy M. Dunn	jdunn@fbtlaw.com, tschneider@fbtlaw.com
Jeffrey A Hokanson	jhokanson@fbtlaw.com, tschneider@fbtlaw.com
Joseph F McGonigal	joe.mcgonigal@usdoj.gov, joe.mcgonigal@usdoj.gov
Paul T. Musser	paul.musser@kattenlaw.com
John P. Sieger	john.sieger@kattenlaw.com
U.S. Trustee	ustpregion10.in.ecf@usdoj.gov

/s/ Michael D. Freeborn

Michael D. Freeborn